

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

RICHARD JORDAN and RICKY CHASE

Plaintiffs

THOMAS EDWIN LODEN, JR.,
ROGER ERIC THORSON, and
ROBERT SIMON, JR.

Intervenors

vs.

No. 3:15-cv-00295-HTW-LRA

PELICIA HALL, Commissioner,
Mississippi Department of Corrections, in
her Official Capacity; EARNEST LEE
Superintendent, Mississippi State Penitentiary,
in his Official Capacity; THE MISSISSIPPI
STATE EXECUTIONER, in his Official
Capacity; an UNKNOWN EXECUTIONERS,
in their Official Capacities

Defendants

DEFENDANTS' THIRD SUPPLEMENTAL PRIVILEGE LOG

Defendants have withheld from their supplemental document production in this matter the following documents, or have instead produced redacted copies of these documents, which are privileged, confidential or otherwise immune from discovery:¹

¹ Institutional Security/Section 99-19-51: For reasons of institutional security, including the safety and/or well-being of MDOC employees and/or agents responsible for the procurement, transportation, storage, inventory and control of stocks of lethal injection drugs; the persons or entities supplying lethal injection drugs to MDOC; as well as the State Executioner and members of the Execution Team; the names of all such persons or entities, the lot numbers of the specific drugs included in the inventory, and any other information which might identify a specific individual or entity has been redacted. Disclosure of the unredacted information could subject the affected individuals or entities to annoyance, embarrassment, oppression, harassment, retaliation including potentially endangering the safety and/or well being of such persons or entities, and/or impacting institutional security at MDOC facilities, and/or impacting the ability of the State to obtain drugs necessary for carrying out executions. Further, the identities of these individuals or entities are protected from disclosure by Miss. Code Ann. § 99-19-51. In this privilege log, for purposes of conserving space, hereinafter these grounds for protection/privilege shall simply be referred to by the phrases "Institutional Security" and "Section 99-19-51."



Name of Document	Date	Author(s)/Recipients	Type of Document	Basis of Privilege or Protection
Unit 42 MSP Pharmacy Chemical Room Access Log (redacted) Bates No. MDOC 001265	1/4/17 through 3/1/17	Unidentified MDOC supply clerk/administrator	Form reflecting access to Pharmacy Chemical Room at the Mississippi State Penitentiary ("MSP") as of 3/1/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001266	3/1/17	Unidentified MDOC Supply Clerk(s)/Administrators	Form with details of inventory of Midazolam Injection at the Mississippi State Penitentiary ("MSP") as of 3/1/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001267	3/1/17	Unidentified MDOC Supply Clerk(s)/Administrators	Form with details of inventory of Vecuronium Bromide Injection at the Mississippi State Penitentiary ("MSP") as of 3/1/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001268	3/1/17	Unidentified MDOC Supply Clerk(s)/Administrators	Form with details of inventory of Potassium Chloride at the Mississippi State Penitentiary ("MSP") as of 3/1/17	Institutional Security Section 99-19-51
Unit 42 MSP Pharmacy Chemical Room Access Log (redacted) Bates No. MDOC 001269	5/19/17 through 9/1/17	Unidentified MDOC supply clerk/administrator	Form reflecting access to Pharmacy Chemical Room at the Mississippi State Penitentiary ("MSP") as of	Institutional Security Section 99-19-51

			9/1/17	
Chemical Expiration Dates Form (redacted) Bates No. MDOC 001270	9/1/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details expiration dates of drugs in inventory at the Mississippi State Penitentiary ("MSP") as of 9/1/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001271	9/1/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details of inventory of Midazolam Injection at the Mississippi State Penitentiary ("MSP") as of 9/1/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001272	9/1/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details of inventory of Vecuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 9/1/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001273	9/1/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details of inventory of Potassium Chloride at the Mississippi State Penitentiary ("MSP") as of 9/1/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001274	9/1/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details of inventory of Rocuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 9/1/17	Institutional Security Section 99-19-51

FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001275	8/7/17	Unidentified MDOC Supply Clerk(s)/Adminis- trators	Form with details of inventory of Potassium Chloride at the Mississippi State Penitentiary ("MSP") as of 8/7/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001276	8/7/17	Unidentified MDOC supply clerk/administrat- or	Form with details of inventory of Rocuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 8/7/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001277	8/7/17	Unidentified MDOC supply clerk/administrat- or	Form with details of inventory of Vecuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 8/7/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001278	8/7/17	Unidentified MDOC supply clerk/administrat- or	Form with details of inventory of Midazolam Injection at the Mississippi State Penitentiary ("MSP") as of 8/7/17	Institutional Security Section 99-19-51
Unit 42 MSP Pharmacy Chemical Room Access Log (redacted) Bates No. MDOC 001279	5/19/17 through 8/9/17	Unidentified MDOC supply clerk/administrat- or	Form reflecting access to Pharmacy Chemical Room at the Mississippi State Penitentiary ("MSP") as of 8/9/17	Institutional Security Section 99-19-51

Chemical Expiration Dates Form (redacted) Bates No. MDOC 001280	8/9/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details expiration dates of drugs in inventory at the Mississippi State Penitentiary ("MSP") as of 8/9/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001281	7/5/17	Unidentified MDOC supply clerk/administrat or	Form with details of inventory of Midazolam Injection at the Mississippi State Penitentiary ("MSP") as of 7/5/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001282	7/5/17	Unidentified MDOC supply clerk/administrat or	Form with details of inventory of Vecuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 7/5/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001283	7/5/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details of inventory of Potassium Chloride at the Mississippi State Penitentiary ("MSP") as of 7/5/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001284	7/5/17	Unidentified MDOC supply clerk/administrat or	Form with details of inventory of Rocuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 7/5/17	Institutional Security Section 99-19-51
Unit 42 MSP	5/19/17	Unidentified	Form reflecting	Institutional Security

Pharmacy Chemical Room Access Log (redacted) Bates No. MDOC 001285	through 10/4/17	MDOC supply clerk/administrat or	access to Pharmacy Chemical Room at the Mississippi State Penitentiary ("MSP") as of 10/4/17	Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001286	10/4/17	Unidentified MDOC supply clerk/administrat or	Form with details of inventory of Midazolam Injection at the Mississippi State Penitentiary ("MSP") as of 10/4/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001287	10/4/17	Unidentified MDOC supply clerk/administrat or	Form with details of inventory of Vecuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 10/4/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001288	10/4/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details of inventory of Potassium Chloride at the Mississippi State Penitentiary ("MSP") as of 10/4/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001289	10/4/17	Unidentified MDOC supply clerk/administrat or	Form with details of inventory of Rocuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 10/4/17	Institutional Security Section 99-19-51
Email: FW:	8/9/17	Author: Pelicia	Confidential	Attorney-Client Privilege

Request for Assistance Bates No. MDOC 001292		Hall Recipients: Corrie Cockrell, Leonard Vincent, and Jason Davis	communications between client-agency, agency attorneys, and AG attorney for purposes of securing either a legal opinion or legal services, or assistance in ongoing or anticipated litigation	Work Product
Email: FW: Request for Assistance Bates No. MDOC 001293	8/9/17	Author: Jason Davis Recipients: Paul Barnes and Wilson Minor	Confidential communications AG attorneys for purposes of securing either a legal opinion or legal services, or assistance in ongoing or anticipated litigation	Attorney-Client Privilege Work Product
Memorandum RE: Discussion Regarding Availability of Pentobarbital (redacted) Bates No. MDOC 001295	8/15/17	Author: Pelicia Hall	Confidential communication regarding efforts to obtain execution drugs and for purposes of securing either a legal opinion or legal services, or assistance in ongoing or anticipated litigation	Work Product Institutional Security Section 99-19-51

RESPECTFULLY SUBMITTED, this the 5th day of October, 2017.

By: **JIM HOOD**
ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: *Wilson Minor*

Jason L. Davis, MSB No. 102157
Paul E. Barnes, MSB No. 99107
Wilson Minor, MSB No. 102663
SPECIAL ASSISTANT ATTORNEYS GENERAL
ATTORNEYS FOR DEFENDANTS

STATE OF MISSISSIPPI
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 220
Jackson, MS 39205
Telephone: (601) 359-6279
Telefax: (601) 359-2003
wmino@ago.state.ms.us

CERTIFICATE OF SERVICE

This is to certify that I, Wilson Minor, Special Assistant Attorney General for the State of Mississippi, sent a copy of the foregoing document via email to the following counsel of record:

James W. Craig
Emily M. Washington
RODERICK AND SOLANGE
MACARTHUR JUSTICE CENTER
4400 South Carrollton Ave.
New Orleans, LA 70119
jim.craig@macarthurjustice.org
emily.washington@macarthurjustice.org
ATTORNEYS FOR PLAINTIFFS
RICHARD JORDAN AND RICKY CHASE

Stacy Ferraro
STACY FERRARO, ATTORNEY AT LAW
239 N. Lamar Street, Ste. 604
Jackson, MS 39201
lifestoryms@gmail.com
ATTORNEY FOR INTERVENOR
THOMAS EDWIN LODEN, Jr.

James Davis
Law Office of Jim Davis
1904 24th Avenue
Gulfport, MS 39502
JamesLDavisIII@aol.com

Richard F. Klawiter
Matt Klepper
DLA Piper LLP (US)
203 North LaSalle Street, Suite 1900
Chicago, Illinois 60601-1293

Nicholas F. Aldrich, Jr.
Schwabe, Williamson & Wyatt, P.C.
1211 SW Fifth Ave., Suite 1900
Portland, Oregon 97204
ATTORNEYS FOR INTERVENOR
ROGER ERIC THORSON

Sibyl Byrd
McDuff & Byrd

767 N. Congress St.
Jackson, MS 39202

Vanessa Carroll
1055 St. Charles Ave., Suite 505
New Orleans, LA 70130
ATTORNEYS FOR INTERVENOR
ROBERT SIMON, JR.

This the 5th day of October, 2017.



Wilson Minor